

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**PMJ BLEU TERRE MANAGEMENT,  
LLC,**

*Plaintiff,*

**VS.**

**AMTRUST INSURANCE COMPANY OF  
KANSAS, INC.,**

***Defendant.***

*[Decorative flourish]*

**CIVIL ACTION NO: 5:22-cv-00166**

## **DEFENDANT'S NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Pursuant to 28 U.S.C. §§ 1441 and 1446 Defendant AmTrust Insurance Company of Kansas, Inc. (“AmTrust” or “Defendant”) files this Notice of Removal from Cause No. 2022CI00203 in the 150th Judicial District Court, Bexar County, Texas to the United States District Court for the Western District of Texas, and respectfully shows the Court the following:

## I. THE REMOVED ACTION

1.1 On or about January 5, 2022 Plaintiff filed its Original Petition in the matter styled *PMJ Bleu Terre Management, LLC v. AmTrust Insurance Company of Kansas, Inc.*, Cause No. 2022CI00203 the 150th Judicial District Court of Bexar County, Texas (“State Court Action”).

1.2 This action involves a dispute arising out of Plaintiff's claim for coverage under a commercial property policy for damages to the insured's property at 3503 Crosspoint, San Antonio, Texas 78217 allegedly caused by a May 3, 2021 storm.

1.3 Attached hereto as Exhibit "A" is the Index of Matters Being Filed. A copy of the Bexar County District Clerk's file for this case is attached, which includes true and correct copies of all executed process and pleadings.

## **II. THE REMOVAL IS PROCEDURALLY CORRECT**

2.1 Plaintiff served Defendant on February 7, 2022. The Notice of Removal was timely filed within thirty (30) days of service of the Petition. 28 U.S.C. §1446(b).

2.2 Venue is proper in this district and division under 28 U.S.C. §1446(a) and §1441(a) because this district embraces the place in which the State Court Action was filed and because a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this district.

2.3 Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the State Court Action are attached to this Notice. AmTrust promptly provided written notice of the filing of the Notice of Removal to Plaintiff, and a true and correct copy of the Notice of Removal was filed with the District Court Clerk of Bexar County, Texas. 28 U.S.C. §1446(d).

## **III. BASIS FOR REMOVAL**

3.1 Removal is proper under 28 U.S.C. §§1332(a)(1), 1441(a), and 1446. There is complete diversity of citizenship and Plaintiff seeks damages of "over \$200,000, but not more than \$1,000,000," which is in excess of the \$75,000 jurisdictional requirement for diversity cases. (Plaintiff's Petition at ¶ 44).

3.2 Diversity of citizenship exists between Plaintiff and AmTrust pursuant to 28 U.S.C. §1332(c)(1) as follows:

A. AmTrust is and was at the time this lawsuit was filed and removed to federal court a citizen of the State of Kansas because it is an insurance company incorporated in Kansas, under the laws of Kansas, and is domiciled in the State of Kansas. AmTrust's principal place of business is in Topeka, Kansas.

B. Plaintiff is a Texas limited liability company with its principal place of business located 7400 Cannon Mountain Place, Austin, Texas. Plaintiff's citizenship is based upon the citizenship of each of its members. *Tewari De-Ox Systems, Inc. v. Mountain States/Rosen, LLC*, 757 F.3d 481, 483 (5th Cir. 2014); *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008). Plaintiff's members are Pascal Jeannin and Janet Jeannin. Complete diversity of citizenship existed between Defendant and Plaintiff at the time the lawsuit was filed and removed to this Court because:

- i. Pascal Jeannin is an individual who resides in Travis County, Texas, is domiciled in Texas, and is, therefore, a citizen of Texas.
- ii. Janet Jeannin is an individual who resides in Travis County Texas, is domiciled in Texas, and is, therefore, a citizen of Texas.

#### **IV. CONCLUSION**

4.1 Based on the foregoing, the exhibits submitted in support of this Notice of Removal and other documents filed contemporaneously with the Notice of Removal and fully incorporated herein by reference, AmTrust removes this case to this Court for trial and determination.

Respectfully submitted,

By: /s/ J. Richard Harmon

**J. Richard Harmon**

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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that on February 23, 2022, a true and correct copy of this instrument was forwarded to the following counsel of record using the Court's CM/ECF system and by electronic mail in accordance with the Federal Rules of Civil Procedure and applicable Local Rules.

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/s/ Linda Szuhly Ressetar  
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